

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

November 7, 2017

Ms. Jennifer Sedlachek
ExxonMobil
4096 Piedmont Ave.
Oakland, CA 94611 (Sent via electronic mail to:
jennifer.c.sedlachek@exxonmobil.com)

Lam Truong
2225 Telegraph Avenue
Oakland, CA 94612
(Sent via electronic mail to:
Oaklandvalero@att.net)

Chevron Corporation
6111 Bollinger Canyon Rd.
San Ramon, CA 94583-2324
Attention: Environmental Liability Manager

BNY Western Trust Company
c/o R J Dold
3200 Southwest Fwy
Houston, TX 77027

Subject: Denial of the Request for Closure; Fuel Leak Case No. RO0000358 and Geotracker Global ID T0600101354, Exxon 7-0235, 2225 Telegraph Ave., Oakland, CA 94612

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the document entitled *Evaluation of Low-Threat Case Closure Criteria* (RFC) dated September 21, 2017 and prepared by Cardno for the subject site. As presented in the RFC, Cardno expresses the opinion the case adequately meets the criteria for site closure under the State Water Resources Control Board's Low-Threat Underground Storage Tank Case Closure Policy (LTCP) and recommends that the environmental case at the subject site be reviewed for closure, that groundwater monitoring and sampling be suspended, and that the wells associated with the site be destroyed.

Based on our review, ACDEH is of the opinion the site does not meet the LTCP Media Specific Criteria for Groundwater and the Media Specific Criteria for Vapor Intrusion to Indoor Air. These criteria are addressed in the Technical Comments presented below and will be discussed in our meeting scheduled for November 9, 2017 with the Responsible Parties- property owners/station operators and ExxonMobil- and with the developers of the proposed redevelopment project.

ACDEH requests that you review the following technical comments to be addressed at the November 9th meeting.

TECHNICAL COMMENTS

- 1. SITE REDEVELOPMENT** – On July 3, 2017, ACDEH was notified that a drilling permit was requested for the advancement of two 100-foot deep cone penetrometer testing (CPT) bores and three 30-foot deep hollow-stem-auger (HSA) bores. In response to the drilling permit request, ACDEH requested a meeting to discuss the proposed work. The meeting occurred on July 13, 2017 with the property owners/station operators, ExxonMobil representative Jennifer Sedlachek, Cardo representative Janice Jacobson, and Professional Service Industries, Inc. (PSI) representatives and Brand Burfield and Frank Poss in attendance. Among the items discussed were the rationale of the proposed work. It was stated the work was for information only.

In a follow up meeting held on September 22, 2017 with Tom Graf of GraphCon and Ross Stadehouse of Tidewater Capital (Tidewater), a conceptual redevelopment plan consisting of a modular construction hotel was presented for the subject site. Based on the degree of property development negotiation and

conceptual redevelopment plans presented at the meeting, it is apparent to ACDEH that the proposed redevelopment is moving forward. Therefore, ACDEH is of the opinion the case closure should be evaluated against the redevelopment project and not as an active commercial fueling station.

2. GROUNDWATER –

A. Sub Surface Structure – Residual contamination at the subject site remains in the northeast area that is in the vicinity of the Bay Area Rapid Transit (BART) subway tunnel. The most recent groundwater monitoring event, conducted on March 7, 2017, documented concentrations of total petroleum hydrocarbons (TPH) as gasoline (TPHg) and benzene at 17,000 micrograms per liter (ug/L) and 4,700 ug/L, respectively, in well MW6Ka and 3,000 ug/L TPHg and 3,800 ug/L benzene in well MW6B, located in this area. The RFC addresses the potential for contaminant migration to the BART subway which passes beneath the northeast corner of the site. A review of the BART tunnel construction indicated that three rail lines are contained in a concrete box-like structure with subdrain systems above and below, and that the tunnel backfill may act as a preferential pathway. As the BART tunnel in this area is approximately 20 feet below the ground surface (bgs), Cardno concluded that, based on depth to water data, typically in the 11- to 13-foot bgs range, there is at least 7 feet of vertical distance between first-encountered groundwater at the site and the BART tunnel, and that the tunnel backfill may act as a preferential pathway.

In the RFC, Cardno presents data from a closed leaking underground fuel tank (LUFT) case located at 2200 Telegraph Avenue, directly across Telegraph Avenue from the subject site in order to discount potential impacts to the BART tunnel. During the most recent sampling event conducted on May 30, 2014 at the 2200 Telegraph Avenue location, concentrations of TPHg, benzene, and methyl tertiary butyl ether (MTBE) were not reported in wells MW-2 and MW-3, the wells located closest to the subject site. Based on its review, Cardno concluded dissolved-phase petroleum hydrocarbon contaminant concentrations are not migrating along the BART tunnel.

It is unclear to ACDEH how the site geology and hydrology of the 2200 Telegraph Avenue relates to the subject site and the BART tunnel. Groundwater control, such as dewatering may occur along the BART tunnel to address water infiltration. Therefore, we request a review of BART dewatering practices and preparation of several groundwater contour maps spanning seasonal events incorporating data from both the subject site and the 2200 Telegraph Avenue site. Please use data from groundwater monitoring events of similar dates. Additionally, ACDEH requests preparation of cross sections across both sites incorporating data from the 2200 Telegraph Avenue case and depicting the BART tunnel. Please provide the cross sections and groundwater contour maps in the response to comments document requested below. Include a discussion of the BART water management practices and appropriateness of the well screen lengths in the groundwater evaluation.

B. Plume Definition – As presented in the RFC, Cardno states petroleum hydrocarbon concentrations are delineated in the downgradient direction with the exception of MTBE, which is currently present at 14 ug/L in downgradient well MW6J. Cardno extrapolates the MW6J MTBE concentration to approximate the plume length as 200 feet. ACDEH notes the rose diagram for groundwater flow directions also include a more easterly component which may not be captured by the existing well network.

Additionally, Cardno states three CPT bores were advanced to 50 feet bgs at the site and identified up to three water-bearing zones at 12 to 18 feet bgs, 29 to 30 feet bgs, and between 36 to 42 feet bgs. ACDEH notes grab-groundwater (GGW) contamination was documented in CPT-1 at 38 feet bgs with TPHg and TPH as diesel (TPHd) concentrations reported at 670 ug/L and 380 ug/L, respectively, and a TPHg concentration of 160 ug/L in GGW collected from CPT-2 at 39 feet bgs. As these concentrations exceed the

LTCP 100 ug/L TPH threshold for contaminant plume delineation, ACDEH is of the opinion the plume has not been defined in the vertical direction and may not be defined laterally.

Please address plume delineation in the response to comments document requested below.

- 3. VAPOR INTRUSION** – In the RFC, Cardno states the site is an active retail gasoline station, and therefore, the media-specific criteria for petroleum vapor intrusion to indoor air are not applicable. As indicated in Technical Comment 1 above, ACDEH is of the opinion the case closure should be evaluated against the redevelopment project as a hotel and not as an active commercial fueling station. As stated above, depth to groundwater is typically reported in the 11- to 13-foot bgs range and TPH in the vadose zone exceeds 100 milligrams per kilogram (mg/kg) in both the 0- to 5-foot bgs interval and in the 5- to 10-foot interval. Additionally, the most recent concentrations of benzene in groundwater are reported up to 4,700 ug/L.

Please address the petroleum vapor intrusion to indoor air media evaluation in the response to comments document requested below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated its Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website."

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH FTP site (Attention: Keith Nowell), and to the SWRCBs GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **January 9, 2018** – Response to Comments (file to be named: RO0000358_MISC_R_yyyy-mm-dd)

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and Electronic Report Upload (ftp) Instructions

cc: Scott Perkins, Cardno, 601 North McDowell Boulevard, Petaluma, CA 94954 (*Sent via electronic mail to: Scott.Perkins@cardno.com*)

Brand Burfield, Professional Service Industries, Inc., 4703 Tidewater Avenue, Suite B, Oakland, CA 94601 (*Sent via electronic mail to: brand.burfield@psiusa.com*)

Frank Poss, Professional Service Industries, Inc., 4703 Tidewater Avenue, Suite B, Oakland, CA 94601 (*Sent via electronic mail to: frank.poss@psiusa.com*)

Tom Graf, GrafCon, PO Box 1105, Tiburon, CA 94920 (*Sent via electronic mail to tom@grafcon.us*)

Ross Stadehouse, Tidewater Capital, 564 Market Street, San Francisco, CA (*Sent via electronic mail to: rstadehouse@tidewatercap.com*)

Dilan Roe, ACDEH (*Sent via electronic mail to: dilan.roe@acgov.org*)

Paresh Khatri, ACDEH (*Sent via electronic mail to: paresh.khatri@acgov.org*)

Keith Nowell, ACDEH (*Sent via electronic mail to keith.nowell@acgov.org*)

GeoTracker, file

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program File Transfer Protocol (FTP) site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to SCP sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately licensed or certified professional. For your submittal to be considered a valid technical report, you are to present site-specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and acknowledgement and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.